



PATENT
2429-1-024



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eduardo PRIMO YUFERA *et al* Examiner: Not Assigned

Serial No.: 10/630,367 Group Unit: 1632

Filed: July 30, 2003

For: ENTOMOPATHOGENIC MICROORGANISM SPORES CARRIER
AND METHOD FOR CONTROLLING HARMFUL INSECTS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to the COMMISSIONER OF PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on January 23, 2006.

Lois A. Snure
(Name of Depositor)

Lois A. Snure 1/23/06
(Signature and Date)

PETITION PURSUANT TO 37 C.F.R. §1.47(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is filed pursuant to the provisions of 37 C.F.R. §1.47(a) which provide that a single inventor may make application for patent in situations where a joint inventor cannot be found or reached after diligent effort. In relevant part, the provisions state that the oath or declaration may be signed by one inventor if accompanied by the instant petition setting forth proof of the pertinent facts together with the fee set forth in 37 C.F.R. §1.17(h) and the last known address of the non-signing inventor.

01/26/2006 LWONDIM1 00000028 10630367

05 FC:1464 130.00 OP

~~01/26/2006 LWONDIM1 00000028 10630367~~

~~04 FC:2253 510.00 OP~~

Adjustment date: 03/06/2006 CKHLOK
01/26/2006 LWONDIM1 00000028 10630367
05 FC:1464 -130.00 OP
03/06/2006 CKHLOK 00000010 111153 10630367
01 FC:1463 70.00 DA 130.00 OP

Best Available Copy

Applicants submit herewith a combined Declaration and Power of Attorney signed by inventors Eduardo Primo Yufera, Mohamed Ibrahim Fahmy and Pilar Moya Sanz but lacking the signature of inventor Juan Munoz Pallares. Likewise, Applicants submit herewith an Assignment document conveying ownership of the invention to Consejo Superior De Investigaciones Cientificas and Universidad Politecnica de Valencia signed by inventor Eduardo Primo Yufera, Mohamed Ibrahim Fahmy and Pilar Moya Sanz but lacking the signature of inventor Juan Munoz Pallares.

Eduardo Primo Yufera, Mohamed Ibrahim Fahmy, Pilar Moya Sanz and Juan Munoz Pallares are the named inventors of the instant invention. The Assignee is Consejo Superior De Investigaciones Cientificas and Universidad Politecnica de Valencia.

Submitted herewith as Exhibit A is a document wherein the actions undertaken in the diligent attempts to obtain the signature of inventor Juan Munoz Pallares for the Assignment and Declaration and Power of Attorney documents submitted herewith are described. The original document is in Spanish, and a certified English translation thereof is provided.

Submitted herewith as Exhibit B is a copy of a contract between the Assignee and inventor Juan Munoz Pallares. The original document is in Spanish, and a certified English translation thereof is provided. The contract indicates that inventor Juan Munoz Pallares is an employee of Assignee and is under an obligation to assign rights to inventions made during the scope of his employment to Assignee.

Submitted herewith as Exhibit C is a copy of a letter dated January 15, 2002 from Assignee to inventor Juan Munoz Pallares informing the inventor of Assignee's intent to file international patent applications corresponding to the originally filed priority application and seeking his signature for an international petition form, the original in Spanish together with a certified English translation thereof.

Submitted herewith as Exhibit D is a copy of a letter from Assignee to inventor Juan Munoz Pallares dated November 11, 2003 indicating there has been no response to the request for signature nor response to telephone calls made to the last known telephone number. Again, the original documents are in Spanish with certified English translations thereof.

Submitted herewith as Exhibit E is a copy of a letter sent from Assignee to inventor Juan Munoz Pallares on September 29, 2003 addressed to his last known address at Paseo Juan de la Cierva, 6 asking for his signature on the Assignment and combined Declaration and Power of Attorney documents. Further, a signed acknowledgement of receipt of the same is submitted herewith. Again, the original documents are in Spanish with certified English translations thereof.

Submitted herewith as Exhibit F is a copy of a letter sent from Assignee to inventor Juan Munoz Pallares on September 29, 2004 addressed to a known address at C/San Vicente Martir, No. 276 asking for his signature on the Assignment and combined Declaration and Power of Attorney documents. This address was known as it was provided on the first page of the contract between Assignee and inventor Juan Munoz Pallares, submitted herewith as Exhibit B. Further, a signed acknowledgement of receipt of the same is submitted herewith. Again, the original documents are in Spanish with certified English translations thereof.

Submitted herewith as Exhibit G is a copy of a letter sent from Assignee to inventor Juan Munoz Pallares on September 29, 2004 addressed to a known address at C/Francisco Cubells, No. 14 asking for his signature on the Assignment and combined Declaration and Power of Attorney documents. This address was known as it was provided to Assignee by telephone call to inventor Juan Munoz Pallares. Further, a signed acknowledgement of receipt of the same is submitted herewith. Again, the original documents are in Spanish with certified English translations thereof.

The last known address of the non-signing inventor, Juan Munoz Pallares, is
C/Francisco Cubells, No. 14, bajo
46011 Valencia
SPAIN

Additional recent addresses of the non-signing inventor, Juan Munoz Pallares,
include

C/San Vicente Martir, No. 276
46002 Valencia
SPAIN

and

Paseo Juan de la Cierva, 6
46900, Torrente
Valencia
SPAIN

In view of the foregoing demonstrating the inventor's recalcitrance, and joint
inventor's diligent efforts at securing appropriate signature, Applicants request
acceptance of the combined Declaration and Power of Attorney and Assignment
documents as responsive to the Notice of Missing Parts mailed on August 23, 2005.

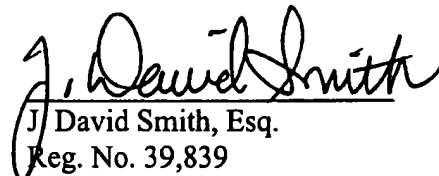
FEES

Applicants submit herewith the petition fee pursuant to 37 C.F.R. §1.17(h) together with the Petition for Extension of Time fee of Three Months. No additional fees are believed necessary in connection with the present submission; however, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overage.

CONCLUSION

Acceptance of the petition is hereby requested, and grant of the petitioned relief is hereby sought.

Respectfully submitted,


J. David Smith, Esq.
Reg. No. 39,839
Attorney For Applicants

KLAUBER & JACKSON
411 Hackensack Avenue
Hackensack, New Jersey 07601
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